

REMARKS

The Examiner has reopened prosecution on the merits in light of Applicants' Appeal Brief filed on April 12, 2007. Claims 25-30 are pending in the Application.

The Examiner has now objected to the Specification because the reference to U.S. Patent Application (Serial No. 09/876,013) needs to be updated to indicate that the application is now abandoned. Office Action (8/8/2007), page 2. As indicated above, Applicants have accordingly amended the Specification. As a result, Applicants respectfully request the Examiner to withdraw the objections to the Specification.

Further, the Examiner has now provisionally rejected claims 25-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22-25 of copending U.S. Patent Application No. 09/876,090. With respect to these rejections, Applicants respectfully reinstate the Appeal Brief filed on April 12, 2007 by filing herewith a second notice of appeal in compliance with 37 C.F.R. §41.31 and filing herewith a second Appeal Brief (referred to as the "Second Appeal Brief") in compliance with 37 C.F.R. §41.37. Applicants note that any fees paid for the first notice of appeal and for the first Appeal Brief previously paid will be applied to this second appeal.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Applicants

By: 

Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, TX 75201
(512) 370-2832

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